

### **REMARKS**

Applicant appreciates the Examiner's thorough consideration provided in the present application. Claims 1 and 3-15 are currently pending in the instant application. Claims 1, 3-5, 9-10, 12 and 14-15 have been amended and claim 2 has been canceled. Claims 1 and 15 are independent. Reconsideration of the present application is earnestly solicited.

### **Priority**

Applicant appreciates the Examiner's indication of acceptance of the certified copy of the corresponding priority document for the present application.

### **Drawings**

Applicant would appreciate the Examiner's indication of acceptance of the formal drawings filed on June 2, 2000.

### **Claim Objections**

Claims 2-4 and 10 have been objected to because of the presence of potential informalities with the claims. These objections are respectfully traversed.

Without conceding the propriety of the Examiner's rejections, but merely to timely advance the prosecution of the application, Applicant has incorporated the changes recommended by the Examiner. Applicant submits that the requested changes do not appear to either raise a substantial question of the patentability of the claimed invention nor do they narrow the scope of the claimed invention. Accordingly, these objections have been obviated and/or rendered moot.

### **Specification**

Applicant appreciates the Examiner's assistance with respect to the specification. Applicant respectfully submits that the subject matter of claims 11 and 13 is fully supported by the original written description, including but not limited to FIGS. 4-9 (please see elements 53, 54 and 84). Therefore, this objection has been obviated and/or rendered moot.

**Claim Rejection Under 35 U.S.C. § 112**

Claims 4, 5, 9, 10, 12 and 14 have been rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These rejections are respectfully traversed.

In light of the foregoing amendments to the claims, Applicant respectfully submits that these rejections have been obviated and/or rendered moot. However, Applicant respectfully submits that the foregoing amendments have been made to merely clarify the claimed invention for the benefit of the Examiner.

Without conceding the propriety of the Examiner's rejections, but merely to timely advance the prosecution of the application, Applicant has incorporated the changes recommended by the Examiner. Applicant submits that the requested changes do not appear to either raise a substantial question of the patentability of the claimed invention nor do they narrow the scope of the claimed invention. Accordingly, these rejections should be withdrawn.

**Claim Rejection Under 35 U.S.C. § 103**

Claims 1-5, 7-8, 10, 12 and 15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Aihara et al. (U.S. Patent No. 5,859,951) in view of Iizuka et al. (U.S. Patent No. 5,845,044). This rejection is respectfully traversed.

In light of the foregoing amendments to the claims, Applicant respectfully submits that all of the rejections have been obviated and/or rendered moot. Without conceding the propriety of the Examiner's rejection, but merely to expedite the prosecution of the present application, Applicant has amended claims 1 and 15 to clarify the invention for the benefit of the Examiner. Specifically, Applicant submits that the prior art of record fails to teach or suggest each and every limitation of the unique combination of limitations of the claimed invention. Accordingly, this rejection should be withdrawn.

With respect to claim 1, the prior art of record fails to teach or suggest the combination of limitations of the claimed invention, including the feature(s) of: *"a determination unit for determining whether the settings data is incapable of being read by said settings-data reading unit; an image signal processing unit for applying image processing to an image signal, which is output from said image sensing device, in accordance with a processing method that is based*

upon the settings data when the settings data that has been read by said settings data reading unit pertains to this image processing method, *for applying image processing of the image signal, which is output from said image sensing device, in accordance with a predetermined processing method, in response to a determination by said determination unit that the settings data cannot be read*, and outputting the image signal that has been subjected to this image processing.” (Emphasis Added) Accordingly, this rejection should be withdrawn.

With respect to claim 15, the prior art of record fails to teach or suggest the combination of limitations of the claimed invention, including the feature(s) of: *“determining with a determination unit whether the settings data is incapable of being read by said settings data reading unit and applying image processing of the image signal which is output from said image sensing device in accordance with a predetermined processing method, in response to a determination by the determination unit that the settings data cannot be read.”* (Emphasis Added) Accordingly, this rejection should be withdrawn.

Applicant submits that the prior art of record fails to teach or suggest the unique combination of limitations of the claimed invention, including the feature(s) of: “a determination unit for determining whether the settings data is

incapable of being read by said settings data reading unit; and an image signal processing unit for applying image processing of the image signal, which is output from said image sensing device, in accordance with *a predetermined processing method*, in response to a determination by said determination unit that the settings data cannot be read. In the claimed invention of claims 1 and 15, it is determined whether the settings data is incapable of being read by the settings data reading unit. If the settings data cannot be read by the settings data reading unit, the image signal, which is output from the image sensing device, is processed in accordance with *a predetermined processing method*.

In contrast, in Aihara et al., the system controller 9 reads out/controls the setup card recording/reproducing unit 11 for reading out the imaging parameters recorded in the setup card, and controls the setting state of various component parts of the imaging lens 3, CCD image sensor 4, video amplifier 6 and the imaging signal processing circuit 7 responsive to these imaging parameters. (See the col. 10, lines 39-45 of Aihara et al.)

In Iizuka et al, the mode processing microcomputer 12 checks whether a CAMERA event exists in the MIC through the MIC microcomputer 13 (Step ST2). If the answer is YES in ST2, then the mode processing microcomputer 12 displays various camera setting data obtained by decoding the CAMERA

event to notify them to the user (Step ST3). (See col. 11, lines 43-49.) If it is determined in Step ST2 that the CAMERA event has not been found out even if an MIC recording area is searched, then the mode processing microcomputer 12 displays the absence of a corresponding event in the MIC to notify it to the user (Step ST4). (See col. 11, lines 50-54.) Further, the user performs a desired camera setting. (See col. 11, line 62.)

The Examiner has asserted (with respect to original claim 2, now cancelled), that it would have been obvious to one of ordinary skill in the art to use the predetermined processing method stored in memory 10 to process the image signal when the setup card is not loaded in the camera, which reads on the settings data being incapable of being read by said settings data reading unit. (See Office Action dated November 7, 2003, on page 5, lines 19-22.)

However, Aihara et al. and/or Iizuka et al. do not teach or suggest the unique determination unit for performing the unique, above-identified features of the claimed invention. Accordingly, this rejection should be withdrawn.

In accordance with the above discussion of the patents relied upon by the Examiner, Applicant respectfully submits that these documents, either in combination together or standing alone, fail to teach or suggest the invention as is set forth by the claims of the instant application.

Accordingly, reconsideration and withdrawal of the claim rejection are respectfully requested. Moreover, Applicant respectfully submits that the instant application is in a condition for allowance.

As to the dependent claims, Applicant respectfully submits that these claims are allowable due to their dependence upon an allowable independent claim, as well as for additional limitations provided by these claims.

### **CONCLUSION**

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.



Docket No. 0905-0237P  
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Reply to Office Action of November 7, 2003  
Page 20 of 20

In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew T. Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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